

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/10/2025

CORNUCOPIA QUEEN, INC.,

Plaintiff,

-against-

GOLDEN CORRAL FRANCHISING SYSTEMS,
INC.,

Defendant.

19 Civ. 2878 (NSR)
ORDER

NELSON S. ROMÁN, United States District Judge:

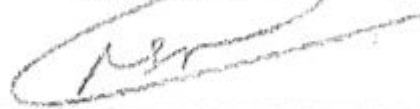
On January 6, 2025, Defendant Golden Corral Franchising Systems, Inc. (“Defendant”) filed a motion for summary judgment (the “Motion”). (ECF No. 121.) Pursuant to the Court’s briefing schedule, Defendant filed the requisite motion papers in a Memorandum of Law in Support of the Motion and a Reply Memorandum of Law. (ECF Nos. 122, 127.) Pursuant to S.D.N.Y. Local Rule 56.1, Defendant also filed a Statement of Material Facts along with corresponding exhibits. (ECF Nos. 123, 125, 128.) On the same day, Plaintiff filed an Opposition to Defendant’s Motion. (ECF Nos. 131-132) and its own Statement of Material Facts. (ECF No. 133.) Plaintiff’s Statement of Material Facts, however, fails to comply with Local Rule 56.1. Plaintiff’s Statement of Material facts is replete with statements that are without proper citation to the evidence as required. *See* Local Rule 56.1 (“Each statement by the movant or opponent under Rule 56.1(a) and (b), including each statement denying and controverting any statement of material fact, must be followed by citation to evidence that would be admissible and set forth as required by Fed. R. Civ. P. 56(c).”). For the vast majority of Plaintiff’s Statement of Material

Facts, Plaintiff cites to an unidentified transcript without attaching or otherwise filing that transcript for the Court's review. (*See generally* ECF No. 133 ¶ 1-100.) For example, Plaintiff provides the Court only with the citation "T12:14-16" without any further indication as to which transcript or exhibit it is referencing.

Accordingly, Plaintiff has failed to comply with Local Rule 56.1. The Court orders Plaintiff to file a supplemental Statement of Material Facts that complies with Local Rule 56.1 and makes proper citations to evidence that would be admissible as required by Federal Rule of Civil Procedure 56(c). Plaintiff is further ordered to furnish the Court with a copy of any exhibit or evidence that it cites in its supplemental Statement of Material Facts. Plaintiff is directed to comply with this Order and file the supplemental Statement of Material Facts and any corresponding exhibits on the docket by 12:00 p.m. EST on Thursday, June 12, 2025. Plaintiff shall also provide the Court with electronic copies of all materials as they are filed by e-mail.

Dated: June 10, 2025
White Plains, New York

SO ORDERED:



NELSON S. ROMÁN
United States District Judge